THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17141 of 2007

13.8.2007

Between:
Smt.Vangapally Bharatamma, W/o.Somaiah

…Petitioner

And

Government of Andhra Pradesh represented by the
Principal Secretary, Panchayat Raj and Rural Employment Department,
Secretariat, Hyderabad
And others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17141 of 2007

ORDER:

Petitioner is resident of Tirumalagiri village and Mandal in Nalgonda District. She allegedly purchased land admeasuring Ac.1.00 in survey No.259 situated at Malipuram Revenue village within the territorial limits of Malipuram Gram Panchayat under registered sale deed dated 18.3.1993. She made an application on 13.2.2006 seeking permission for construction of a house. Permission was allegedly granted on 22.5.2006 by the then Sarpanch. She commenced construction. In the meanwhile, one Janigala Ramulu was elected as Sarpanch, who is allegedly inimically disposed against the petitioner. Therefore, he got issued impugned notice dated 18.7.2007 calling upon the petitioner to stop construction pending orders of the District Collector (Panchayat), Nalgonda. It was also informed that any further construction would be illegal and would be removed. The notice is assailed in this writ petition.

After hearing learned Counsel for the petitioner and learned Assistant Government Pleader for Panchayat Raj, this Court is convinced that the writ petition is wholly misconceived. In the impugned notice, it is alleged that the then Sarpanch granted permission without placing the same before the Gram Panchayat and that there is no resolution to that effect. It is also further alleged that the petitioner sold plots to four persons without leaving 10% of the land as per the Rules. The Divisional Panchayat Officer, Nalgonda, also conducted enquiry into the same and found that unless and until proper sanction is granted by the District Collector to convert agricultural land into residential plots, no construction would be

permissible.

The submission of learned Counsel for the petitioner that the present Sarpanch got issued notice without any basis cannot be accepted. The summary of the impugned notice would certainly justify issue of the same. In such an event, if the petitioner is aggrieved, her remedy is to file appeal under Section 128 of Andhra Pradesh Panchayat Raj Act, 1994.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 13, 2007
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